

**Amendment to Sept. 11, 1977 draft**  
SEC. 4. Section 2675(a) of title 28, United States Code, is amended by inserting the following language after "employment,":

"or upon a claim for money damages arising from the violation of the Constitution of the United States by any employee of the Government while acting within the scope of his office or employment or under the color thereof,".

SEC. 5. Section 2679(b) of title 28, United States Code, is amended to read as follows:

"(b) The remedy against the United States provided by sections 1346(b) and 2672 of this title for claims for injury or loss of property or personal injury or death resulting from the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment or for claims arising from the violation of the Constitution of the United States by any employee of the Government while acting within the scope of his office or employment or while acting under the color thereof is exclusive of any other civil action or proceeding arising out of or relating to the same subject matter against the employee whose violation or act or omission gave rise to the claim, or against the estate of such employee."

SEC. 6. Section 2679(d) of title 28, United States Code, is amended to read as follows:

"(d) (1) Upon certification by the Attorney General that the defendant employee was acting within the scope of his office or employment, or in claims arising under the Constitution of the United States that the employee was acting within the scope of his office or employment or under

is amended by (a) inserting in the first paragraph the following language after the word "claims:" and before the comma: "based upon negligent or wrongful acts or omissions"; and (b) by adding as a third paragraph the following:

"The United States shall be liable, respecting the provisions of this title relating to tort claims arising under the Constitution of the United States, to the same extent as entitlement to compensation is recognized under the tort law of the place where the violation occurred, but shall not be liable for interest prior to judgment or for punitive damages:

Provided, however, That for a claim arising under the Constitution of the United States, such compensation shall not be less than liquidated damages of \$1,000,

except that for a claim arising from the interception or disclosure of a wire or oral communication in violation of chapter 119 of title 18, such compensation shall not be less than liquidated damages computed at the rate of \$100 a day for each day of violation or \$1,000 whichever is higher, plus a reasonable attorney's fee and other litigation costs reasonably incurred; and Provided

further, that without any effect or limitation upon any other defenses, a good faith reliance on a court order or legislative authorization shall constitute a complete defense to any claim or suit arising under the Constitution of the United States, but, notwithstanding the existence of such defense, the United States shall, when it has determined that the officer or employee was acting within the scope of his office or employment or under color thereof, reimburse the person whose constitutional rights were violated for the actual or compensatory damages sustained."